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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,300	12/08/1999	TAKASHI HASEGAWA	S20.37971X00	6276
20457	7590	12/18/2003	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			ONUAKU, CHRISTOPHER O	
1300 NORTH SEVENTEENTH STREET				
SUITE 1800			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22209-9889			2615	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/456,300</b>	Applicant(s) <b>Hasegawa</b>	Examiner <b>Christopher O. Onuaku</b>
		Art Unit <b>2615</b>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Sep 9, 2003.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-9 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/9/03 have been fully considered but they are not persuasive.

Applicant argues that Berstis fails to teach or suggest key words storing means which stores each key word so as to be associated with a reservation identifier, and control means which stores the program information of the selected program to be recorded in association with the reservation identifier and controls the video data stored in the video recording file of the selected program in association with the reservation identifier. Examiner disagrees.

In Fig.3&4A-4C and col.4, line 19 to col.5, line 51, Berstis clearly discloses wherein the start and end times, and duration (program reservation information), and keyword of a program are stored in a VCR, and wherein the program to be selected to be recorded includes the keyword of the program and the start and end times of the program with the keyword. In other words, a program is stored which includes a key word in the program and the start and end times and duration of the program with that keyword. And that program with the key word is recorded on the basis of the start and end times and duration of the program with the same keyword.

Therefore, Berstis clearly discloses storing means which stores each key word so as to be associated with a reservation identifier, and control means which stores the program information of the selected program to be recorded in association with the reservation identifier and controls

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the video data stored in the video recording file of the selected program in association with the reservation identifier, as claimed in the claims.

Therefore, the rejections are maintained

***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis et al (US 6,212,327).

Regarding claim 1, Berstis et al disclose utilizing a computer to control record programming in remote controlled record/playback devices in connection with a server push mechanism, comprising:

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- a) means for storing keywords preliminarily designated by the user ( see user interface 300; col.4, line 19 to col.5, line 8);
- b) means for collecting program information related to the broadcast programs (see emitter device 226 of the data processing system 200; col.4, lines 1-18);
- c) control means for automatically selecting a program to be recorded by checking the program information with the keywords and storing video data of the program to be recorded into a video recording file by controlling a receiver (see Fig.4B; col.5, lines 18-37);
- d) wherein the keyword storing means stores each keyword so as to be associated with a reservation identifier (see col.4, line 19 to col.5, line 8); and
- e) wherein the control means stores the program information of the selected program to be recorded in association with the reservation identifier and controls the video data stored in the video recording file of the selected program in association with the reservation identifier (see Fig.4B&4C; col.5, lines 18-65).

Regarding claim 2, Berstis discloses wherein the program information includes channel identifying information and program time information of the program to be recorded, and the control means controls an output of the receiver on the basis of the channel identifier information and the program time information, and stores the received video data into the video recording file (see claim 1 discussions, and also col.4, lines 27-43).

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Regarding claim 3, Berstis discloses:

- a) a receiver for receiving video information of a plurality of channels and program information and selectively outputting the program information and a video signal of a specific channel (see Fig.2 and data processing system 200; col.3, line 1 to col.4, line 18);
- b) storing means for storing the video information outputted from the receiver (see non-volatile memory 216; col.3, lines 30-41);
- c) display means (see col.3, lines 14-17);
- d) data entry means operated by the user (see Fig.2; keyboard 220, pointing device 222 and infra red emitter 226; col.3, lines 18-67)
- e) a recording control processor connected to the receiver and each of the storing means, display means and data entry means (see Fig.2, data processing system 200; col.3, line 1 to col.4, line 18);
- f) wherein the data recording control processor has a memory for storing a keyword entered from the data entry means, selecting video data to be automatically recorded by checking the program information outputted from the receiver with the keyword and automatically storing the video data into the storing means by controlling the receiver and storing means based on the program information of the selected video data(see claim 1 discussions);
- g) wherein the recording control processor stores the keyword entered from the data entry means so as to be associated with a reservation identifier into the memory and controls the video

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data stored in the storing means in association with the reservation identifier (see col.4, lines 19-43; and col.5, lines 9-65).

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claims 2&3 above.

Regarding claim 5, Berstis discloses wherein the recording control processor includes means for displaying the status of video data stored in the storing means in association with the reservation identifier (see col.3, lines 30-41).

Regarding claim 6, Berstis discloses wherein the recording control processor includes means for displaying the status of video data stored in the storing means in a figure corresponding to the reservation identifier in a graphical form on the display means (see col.3, lines 30-41).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claims 1,2&3 above. It is pertinent to note that the claimed tables are included in the storing locations/addresses of the program information and keywords, and wherein the stored keyword is additionally a program information.

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Regarding claim 8, Berstis discloses wherein the receiving means receives multiplexed signals including video information and program information of a plurality of channels and the collecting means receives program information from the receiving means (see col.3, lines 30-41 and col.4, line 53 to col.5, line 37).

Regarding claim 9, Berstis discloses wherein the control processor has a program for displaying the status of the video information stored in the storing means so as to be associated with the reservation identifier in a graphical form (see col.3, lines 30-41).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Conclusion***

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

*bco*  
COO

12/5/03

*[Signature]*  
THAI TRAN  
PRIMARY EXAMINER